

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CHIKEZIE OTTAH, :
:
Plaintiff, : 22-CV-10435 (JMF)
:
-v- : ORDER TO SHOW
:
MTA, : CAUSE
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

Plaintiff Chikezie Ottah, proceeding without counsel, filed the Complaint in this case on December 12, 2022. *See* ECF No. 1. On January 17, 2023, Ottah filed a “proof of delivery” stating that he “delivered the court summon to the defendant , MTA on Thursday 12/22/2022, the express mail has been confirm by USPS as believed to the above named address shown above . confirmation is E1575722102US.” ECF No. 4. The Court, however, has doubts about whether service was proper. For one thing, the USPS tracking number referenced in the proof of service does not appear to be valid. For another, the proof of service does not confirm that Ottah accomplished service in accordance with Rule 4 of the Federal Rules of Civil Procedure and/or Article 3 of New York’s Civil Practice Law and Rules (the “NY CPLR”). To the extent that Ottah is relying on Section 312-A of the NY CPLR for service, he must make an affirmative showing that he has complied with all of that Section’s requirements.

Accordingly, it is hereby ORDERED that Ottah shall, no later than **February 23, 2023**, communicate with the Court, in writing, as to whether service on Defendant was proper. To the extent that Ottah makes factual representations about when and how he accomplished service, he should do so in a declaration sworn under penalty of perjury.

If the Court does not receive any communication from Ottah by **February 23, 2023**, the Court will deem the prior service improper. If so, Ottah will still have until **March 13, 2023**, to effectuate proper service on Defendant.

Finally, the Court notes that there is a *Pro Se* Law Clinic in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide Ottah with guidance and assistance in connection with this case and the issues discussed above. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States

Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. Under normal circumstances, the Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling (212) 659-6190.

The Clerk of the Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: January 23, 2023
New York, New York



JESSE M. FURMAN
United States District Judge